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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/772,618 | 02/06/2004 | Henry L. Ashwood JR. | 3878 002 | 5075 |

7590 11/01/2005
Yate K. Cutliff
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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. 10/772,618 | FILING DATE 2/6/2004 | FIRST NAMED INVENTOR Henry Ashwood | ATTORNEY DOCKET NO. 3878 002 |
|---|-------------------------|---------------------------------------|---------------------------------|

EXAMINER

André L. Jackson

ART UNIT

PAPER

3677

10/28/2005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Responsive Amendment

The reply filed on August 11, 2005 is not fully responsive to the prior Office Action (Election/Restriction) sent February 23, 2005 because applicant failed to properly elect a species in the response dated March 11, 2005. The prior Office Action (Election/Restriction) requires applicant must include an identification of the species that is elected consonant with the requirement, and a listing of all claims readable thereon, including any claims subsequently added. No listing of all claims readable on the selected species I is found. Examiner's Note: **Claim 1 appears to include limitations to a non-elected species II (model #2), which is not in correspondence with the original election/restriction requirement.**

Since the period for reply set forth in the prior Office Action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.


ROBERT J. SANDY
PRIMARY EXAMINER

André L. Jackson
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AU 3677